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4 **Direct Testimony**  
5 **Of**  
6 **William D. Orr**  
7

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9 **Identification of witness and qualifications**

10 Q. Please state your name, position, and qualifications.

11 A. My name is William D. (Bill) Orr, and I represent the nine landowners,  
12 including myself, known in PSB Docket 7032 as the Gregg Hill Residents.  
13

14 Q. Have you testified before this Board before?

15 A. No.  
16

17 **Overview**

18 Q. What is the purpose of your testimony?

19 A. It is:

- 20 ■ To describe an alternative route for the 115 kV/34.5 kV lines proposed by  
21 VELCO.
- 22 ■ To indicate the benefits of our proposed route as compared with  
23 VELCO's.
- 24 ■ To show that our proposed route would also be an improvement over the  
25 route of the existing 34.5 kV line.  
26

27 Q. When you refer to "benefits" and "improvements", who are the  
28 beneficiaries?

29 A. Individual landowners, the Gregg Hill neighborhood, the Town of  
30 Waterbury, and the state of Vermont.  
31

32 Q. Please explain briefly how each group would benefit from your alternative  
33 route.

34 A. We think the following public goods will accrue:

- 1           ▪ Individual landowners will escape the undue adverse aesthetic impact of
- 2           the VELCO proposal.
- 3           ▪ The Gregg Hill neighborhood would retain its natural rural character and
- 4           attractiveness to residents and visitors.
- 5           ▪ The Town of Waterbury would avoid a loss in its property-tax base, and
- 6           the positive pro-environment solution would contribute to the town's
- 7           reputation as a desirable place to live and work.
- 8           ▪ The state of Vermont would likewise avoid a permanent reduction in
- 9           property wealth and a consequent loss in statewide school revenues. In
- 10          addition, Vermont's reputation for its natural rural character would be
- 11          preserved and even enhanced in the Gregg Hill area.

12

13          Q.     Please elaborate on how the Gregg Hill area contributes to the state's

14               natural character.

15          A.     In these ways:

- 16          ▪ It is a scenic drive one-half mile from Cold Hollow Cider Mill, perennially
- 17          one of the state's most popular tourist destinations.
- 18          ▪ Gregg Hill Road contributes to Vermont's reputation as a nationally
- 19          popular route for bicycle touring. Our road is listed on the route of Bike
- 20          Tours of Vermont. The Internet search engine Google yields 887 entries
- 21          for "bicycle tours of Vermont".
- 22          ▪ It offers a pleasing variety of typical Vermont viewsheds, including homes
- 23          in natural rural settings, farms, scenic views, and a wildlife preserve.
- 24          ▪ It is a favored site where artists come to paint typical Vermont summer
- 25          and fall scenes.

26

27          Q.     How would the proposed VELCO lines impair these public goods?

28          A.     The existing 34.5 kV line mounted on 34-52-foot poles—which already

29               detract from the natural character of the area—would be replaced by two

30               lines, one 61-97 feet tall and the other 34-52 feet tall. By definition, this

1 doubling of the intrusive effect of the electric power line would be  
2 nonconforming to the existing environment.  
3

4 Q. How would your group's proposed alternative yield a greater public good  
5 than the VELCO proposal?

6 A. The Lamoille County Project's (LCP's) two new 115 kV/34.5 kV lines  
7 would be moved hundreds of feet away from Gregg Hill Road, mostly just  
8 inside the eastern boundaries of the nine properties owned by members of  
9 our group. From that route, the lines would not be visible from Gregg Hill  
10 Road nor in most cases from the individual dwellings.  
11

12 Q. How would your group's proposed alternative yield a greater public good  
13 than the existing installation?

14 A. In these ways:

- 15 ■ The new lines would cross Gregg Hill Road at a right angle instead of  
16 intrusively paralleling the road for hundreds of feet, as the existing 34.5  
17 kV line does.
- 18 ■ The existing 34.5 kV line that now passes very near three of the dwellings  
19 would be removed.
- 20 ■ The project's two new lines would be hundreds of feet farther away from  
21 dwellings than the existing line is.
- 22 ■ The existing 34.5 kV line atop a scenic ridgeline and now visible from  
23 Gregg Hill Road would be removed and replaced by two new lines out of  
24 sight from the road.
- 25 ■ The visual integrity of a wildlife preserve, now observable from Gregg  
26 Hill Road, would be enhanced by eliminating the existing line running  
27 diagonally through it and replacing it with two new lines that run out of  
28 sight of the road except along the northern boundary of the preserve.  
29

1 Q. What legal procedures are involved in accomplishing your proposed  
2 alternative?

3 A. Two legal actions are required:

- 4 ■ The nine landowners involved must grant VELCO a 100-foot right-of-way  
5 along the eastern boundaries of their properties in exchange for title to the  
6 existing 100-foot ROW on their properties. All nine have given signed  
7 consents in documents on file with the Board.
- 8 ■ The state of Vermont must exchange Green Mountain Power's existing  
9 100-foot ROW through approximately 800 feet of the State Forest along  
10 Gregg Hill Road for a 100-foot ROW through approximately 900 feet of  
11 the State Forest running up to the eastern boundary of the southernmost  
12 property of our group. Legislation introduced by Representative Robert  
13 Dostis addresses this issue.

14  
15 **Applying Criterion 8 of the Quechee Test**

16 Q. What sections of 30 V.S.A. §248 are addressed in your testimony?

17 A. Subdivisions (b)(5) dealing with undue adverse effects on aesthetics and  
18 (b)(4) dealing with economic benefit to the state and its residents. Under  
19 the rubric of (b)(5), I will apply Criterion 8 of the "Quechee Test" for  
20 aesthetic adverseness, a test that was developed by the state  
21 Environmental Board to guide participants in Act 250 projects. Although  
22 the Quechee Lake project was a 6000-acre planned residential  
23 development and therefore differs in many respects from the LCP,  
24 Criterion 8 is considered to be generally applicable to projects that may  
25 affect Vermont's rural character. Indeed, T. J. Boyle & Associates applied  
26 the criterion in discussing the methodology of their testimony supporting  
27 VELCO's petition for a certificate of public good for the LCP.

28  
29 Criterion 8 of the Quechee Test involves a two-step inquiry that starts with  
30 an answer to the question: Will the project be "in harmony with its

1 surroundings?” If the answer is yes, the impacts are not adverse and  
2 Criterion 8 has been satisfied. If the answer is no, the effect of the project  
3 is deemed adverse. But is the adverse effect “undue”? That answer is yes  
4 if any of these conditions exist:

- 5 ■ The project violates a clear written community standard.
- 6 ■ The project’s impacts are offensive to the average person.
- 7 ■ The project does not provide reasonable mitigation to lessen the adverse  
8 effects.

9  
10 Our preliminary investigation did not reveal any conflict with written  
11 community plans or standards of the Town of Waterbury.

12  
13 Our group submits that the existing 34.5 kV transmission line serving  
14 Stowe might have been harmonious with the Gregg Hill environment  
15 when the line was mostly in place by 1949, but it clearly is not so today.  
16 Now there are many more dwellings on Gregg Hill Road, and acceptable  
17 standards of harmony have risen over the past 56 years. A construction  
18 project is “offensive to the average person” when it does not conform to  
19 and is not harmonious with its natural and built environment.

20  
21 Turning to the second question, we submit that a reasonable person would  
22 find even the existing line “offensive.” The proposed upgrade—with twice  
23 as many lines and one twice as high as the existing line—is clearly even  
24 more egregiously offensive. If we look ahead to 2021, VELCO’s expected  
25 lifetime of the LCP, the offensiveness can only grow stronger.

26  
27 If we dare look beyond 2021, we can expect that a “least cost” mentality  
28 will surely press for adding more capacity to the installed system. The  
29 “least cost” argument brings with it a pronouncement that in time  
30 “landowners will get used to” new lines and structures, however offensive

1 they may at first seem to be. This creates a logical tautology that leads to  
2 an absurd conclusion: “Over time, landowners will accept any new  
3 disharmony in their environment; therefore, any disharmony is  
4 acceptable.” Vermont wouldn’t be the Vermont we treasure today if state  
5 legislatures had always accepted the primacy of that argument. For  
6 example, in 1967, environment-sensitive state law banned billboards from  
7 interstate highways and drastically reduced the size of signs on state roads  
8 and businesses, even though Vermonters and visitors were quite “used to”  
9 billboards.

10  
11 A “they’ll get used to it” reasoning, already voiced in some documents  
12 filed in the present proceedings, neglects how downward spiraling  
13 aesthetic environments act as a drag on growth of the state’s property  
14 wealth. As aesthetic amenities are lost in certain properties, the values of  
15 those properties rise more slowly than do others that maintain the  
16 amenities. This in turn causes property tax revenues to lag behind their  
17 potentials and diminishes an area’s attractiveness for “green” industries,  
18 knowledge workers, tourism, and second-home buyers.

19  
20 Gregg Hill Residents submit that their proposal not only obviates the  
21 undue adverse aesthetic effects of the VELCO proposal, and not only  
22 improves the existing environment, but also puts the electric power  
23 transmission system in our area on a path to future least-cost solutions that  
24 support the area’s environmental quality.

25  
26 The final consideration of Criterion 8 asks if the project’s designers have  
27 made reasonable efforts to mitigate undue adverse aesthetic effects. Here  
28 we hasten to acknowledge that VELCO has, over the past several months,  
29 been a model of corporate support for our mitigating efforts. Indeed, our  
30 alternative proposal was conceived on an “outreach” tour of affected

1 Gregg Hill properties. David Mace has worked with several of our  
2 members individually and on tridges through the forest exploring our  
3 alternative route. We have received many indications that VELCO is  
4 disposed to support our alternative. But as of this date, the only VELCO  
5 proposal under consideration is one that fails to substantially mitigate the  
6 undue adverse effects of their original proposal. Obviously, if the Gregg  
7 Hill Residents' proposal is adopted by the Board, the mitigation will be  
8 full and satisfactory to us.

9  
10 Q. On what sources will your testimony be based?

11 A. Factual matters will be presented by me, either based directly on my own  
12 research and observation, or indirectly in my capacity as representative of  
13 the Gregg Hill Residents. In the latter case, the evidence will be derived  
14 from personal interviews. Additional testimony will be presented  
15 separately by Fred Abraham, one of the Gregg Hill Residents group.

16  
17 **The portion through the forest**

18 Q. Please provide details on how your group's alternative route will affect the  
19 State Forest.

20 A. Only about 900 feet of our one-mile alternative route goes through the  
21 State Forest.

22  
23 Our alternative route begins in the State Forest on Gregg Hill Road,  
24 approximately 800 feet south of the southern boundary of the Magdamo-  
25 Abraham property. From that point, our proposed route for the  
26 115 kV/34.5 kV lines runs through a small section of the State Forest in a  
27 northeasterly direction to the southeastern corner of the Magdamo-  
28 Abraham property. In our route the two lines will be hidden from view for  
29 most of the way as they cross Gregg Hill Road and run behind a natural  
30 screen of mature trees. See map, Figure 1.

1  
2 In the VELCO proposal, a two-pole 115 kV/34.5 kV configuration would  
3 replace the existing 34.5 kV line that now runs from our proposal's  
4 starting point on Gregg Hill Road through 800 feet of the State Forest.  
5 Figure 2 shows the existing line. Figure 3 shows a two-pole configuration  
6 similar to the one proposed by VELCO, which would replace the line in  
7 Figure 2. We submit that Figures 2 and 3 plainly show:

- 8 ■ The VELCO proposal would have an undue adverse effect on the  
9 aesthetics of that section of the forest. *Any* electric power line, including  
10 the existing one, does not harmonize with the character of *any* forest.  
11 Doubling the number of lines and doubling the height of one of those lines  
12 would clearly produce an even-more-offensive disharmony.
- 13 ■ The Gregg Hill Residents' proposal will yield an aesthetic improvement  
14 over the present installation by eliminating 800 feet of the existing  
15 34.5 kV line that now runs along Gregg Hill Road through the State  
16 Forest.

17  
18 Q. Does this conclude your testimony?

19 A. Yes.  
20



## **EXHIBITS**

### **Visual Representations of Effects on Individual Landowners**

Figure 1. Map of alternate route proposed by Gregg Hill Residents

Figure 2. Existing line through a portion of the State Forest

Figure 3. Two-pole design similar to one proposed by VELCO

Figure 4. Existing 34.5 kV line by Magdamo-Abraham, Bankson, & Orr  
properties

Figure 5. Velco two-pole (115 and 34.5 kV) system installed in Georgia, Vermont

Figure 6. View from the Bankson entryway

Figure 7. The Orr dwelling, showing 34.5 kV pole

Figure 8. Scenic area on Boschen property looking east from Gregg Hill Road

Figure 9. Looking east from Gregg Hill Road at the Bieler property

Properties for which there are no visuals

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Figure 1



Figure 2. Existing line through a portion of the forest along Gregg Hill Road, looking south from a few feet south of the Magdamo -Abraham property. ***In the alternative route proposed by the Gregg Hill Residents, two new two-lines would cross Gregg Hill Road just beyond the portion in view and run out of sight for a short distance through the forest to the northeast corner of the Magdamo-Abraham property. The 34.5 kV line shown above would be removed and not replaced.***



Figure 3. Two-pole design, similar to the one proposed by VELCO, which in the VELCO proposal would replace the existing single-pole line in the photo at left. This photo shows a line in Warrensburg, New York. Although this is not a VELCO line, VELCO directed us to it when we asked them for a line similar to the configuration they proposed in their original application for a CPG.



Figure 5. A VELCO two-pole (115 and 34.5 kV) system installed in Georgia, Vermont. In VELCO's proposal, a similar system would replace the existing 34.5 kV line shown in the top photo.

Figure 4. Existing 34.5 kV line (upslope, right), looking north from Magdamo -Abraham driveway. This line runs northward between the Bankson and Orr properties (far center). The VELCO proposal would add a 79-foot-high 115 kV line, protruding well above the tree line, alongside a new 40-foot-high 34.5 kV line. *In the alternative route proposed by Gregg Hill Residents, the new two-pole system will be moved to the eastern boundaries of the three properties and out of sight. The existing 34.5 kV line in the photo will be removed and not replaced.*





Figure 6. View from the Bankson entryway, looking east toward the Orr dwelling. The orange balloons, about 70 feet from the porch, mark the location of a 79-foot pole for the 115 kV line in the VELCO proposal. The height of the line would be 13 times the height of the man in the photo. A 40-foot-high pole for a 34.5 kV line would be relocated to a position between the balloons and the porch. ***In the Gregg Hill Residents' proposal, both the 115 and 34.5 kV lines will be moved out of sight along the eastern boundaries of the two properties.***

Lloyd Bankson lives in Connecticut, works on Madison Avenue, and keeps his heart in Vermont. Lloyd and Barbara built their winter home on Gregg Hill Road in 1972, and for the next 30 years they spent every Christmas here with their children. They built very close to an existing 34.5 kV line, but oriented the house to give a clear view of Camel's Hump from the front porch. The power line was in back and mostly shielded by trees. The Banksons later acquired an additional 15 acres to the north "for protection from development and as potential homes for the children." The two new lines proposed by VELCO? "Simply horrible and not acceptable. We will probably sell our home if the new lines aren't moved to the eastern boundary."



Figure 7. The Orr dwelling, looking north to an existing 34.5 kV pole. In the VELCO proposal, this pole would be replaced by a 79-foot-tall 115 kV pole and a relocated 34.5 kV pole. This line runs between the Orr property and Bankson's on the left, beyond the stand of mature trees, which give beauty and privacy to the two families. VELCO's proposal would likely mean removal of some of the trees. ***In the alternative route proposed by the Gregg Hill Residents, the new lines will be moved out of sight to the eastern boundaries of the Orr and Bankson properties.***

Bill and Catherine immigrated to Vermont from Southern California in 1983 and three years later moved to a rustic home on this 5.7-acre site. It burned to the ground in 1998, and the Orrs built the home in the photo. They will most likely stay here during their retirement years, even if the new lines go through. But "the trees are an inspiration to us during every season, and our lives would be much poorer if any of them had to go," Catherine says.



Figure 8. Scenic area on Boschen property looking east from Gregg Hill Road, showing the existing 34.5 kV line in the near background. In the VELCO proposal, the existing line would be replaced by a two-pole configuration, with all of the 115 kV poles protruding above the treeline and some also above the ridgeline. ***In the alternative route proposed by Gregg Hill Residents, the new two-pole configuration will be moved east and out of sight.***

The Boschens acquired these 55 acres in 1973. Their dwelling is on the opposite side of Gregg Hill Road, but most of their holding lies on this (east) side, dedicated to preserving a pristine natural viewshed for themselves, neighbors, and visitors.





Figure 9. Looking east from Gregg Hill Road at the Bieler property, where residents and tourists enjoy observing migratory birds, moose, and otters on an owner-preserved wildlife sanctuary. In the VELCO proposal, the existing 34.5 kV line in far foreground would be replaced by a two-pole configuration, in which the taller 115 kV poles will protrude above the tree line. ***In the alternative route proposed by Gregg Hill Residents, the new two-pole system will be moved east and out of sight behind the trees.***

Faith Bieler's home is on the opposite side of Gregg Hill Road, but she preserves and maintains most of her 53 acres as the wildlife sanctuary.



**Properties for which there are no visuals**

- The Matt and Ellen Lillis property, where the existing 34.5 kV line intrudes on their view of a meadow only a few steps from their driveway. In the Gregg Hill Residents' proposal, the new 115 and 34.5 kV lines will be moved several hundred feet farther away from the dwelling and out of sight. The Lillis family moved to the Gregg Hill neighborhood in 2001, and they plan to leave most of their 52 acres undeveloped for the enjoyment of their young family. Even more important, the line will be moved hundreds of feet away from where their baby son will soon be playing in the yard.
- The 10.7-acre Jean Armour Spurr property, where the new lines would also be moved over a nearby ridge and several hundred feet away from her dwelling.
- The Robert Murray property, with its 62-acre spread, which he has worked for 42 years. Mr. Murray says this about the history of his beloved Gregg Hill neighborhood: "Unbeknown to most folks in this area, the Blush Hill and Gregg Hill roads formed the original highway from Waterbury to Stowe. This confluence, dating back to the late 1700s, predated today's Route 100. My plank-and-beam farmhouse was built in 1825 and my neighbor's was built in 1819. Gregg Hill is truly an historic district."